

In May, 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A State trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, well under the speed limit, and based upon this grave crime, ordered all the family members out of the car so he could search for drugs. In this time of grief and tragedy, they had to be disturbed with this kind of treatment. Of course, no drugs were found.

The State trooper in the case claimed the rented Cadillac the family was driving made him think them suspicious, as well as the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a State trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason that he and his family were ordered out of their vehicle on a busy highway?

Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

Again, reemphasizing the point made by the gentleman from Michigan (Mr. CONYERS), how interesting it is that even after getting an agreement through the ACLU, we find some 2 years later that these stoppings of individuals of African American heritage are still occurring.

In fact, despite the agreement that was gotten by the ACLU, we find that State police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since 1995 were those of African Americans, again, despite the fact that only 14 percent of those driving along that stretch were African Americans.

This is a piece of legislation that is long overdue, and its emphasis should not detract from the fact that its importance is the right of the protection of the Constitution and the Bill of Rights. It is the protection of those constitutional provisions that will apply to all citizens.

We are long overdue in trying to find out why we have this kind of disparate treatment, why many of us as parents of African American children are fearful of sending our young people out on the freeways and highways of America. If this is to be a country for all people, then the laws must treat everyone fairly. I appreciate very much the efforts of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for this legislation.

Mr. Speaker, I rise today in strong support of Congressman CONYER'S H.R. 118, the "Traffic Stops Statistics Act of 1997." This legislation is an important step towards addressing the discrimination faced by minorities on our nation's roadways.

The Traffic Stops Statistics Act authorizes the Attorney General to conduct a study of stops for routine traffic violations by law en-

forcement officers. The study is to include consideration of such factors as: (1) the race and ethnicity of the individual stopped; (2) the traffic infraction alleged to have been committed that led to the stop; (3) whether a search was instituted as a result of the stop; (4) how the search was instituted; (5) the rationale for the search; (6) whether any warning or citation was issued as a result of the stop; and (7) whether an arrest was made as a result of either the stop or the search.

The need for such a study becomes readily apparent when we review the few, limited studies already conducted in this area. Those studies reveal that although African Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. To make matters worse, far more blacks stopped for traffic violations are subject to car searches than comparable whites. The numbers are so out of line that coincidence is impossible.

For an example of the arbitrary and discriminatory treatment of African Americans on our nation's roadways, we need not look far beyond the Beltway. Robert Wilkins is a Harvard Law School graduate—a public defender here in the District of Columbia. Mr. Wilkins is also African-American. In May 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A state trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, and based upon this grave crime ordered all the family members out of the car so he could search for drugs. Of course, no drugs were found. The state trooper in this case claimed the rented Cadillac the family was driving made him suspicious, as did the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a state trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason he and his family were ordered out of their vehicle on a busy highway? Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

In November 1996, the ACLU sought a fine for contempt of court against the Maryland State Police, arguing that police were still conducting a disproportionate number of drug searches of cars driven by African Americans almost two years after agreeing to remedy these practices as a result of a 1992 lawsuit. Despite the agreement, state police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since January, 1995 were those of African Americans, despite the fact that only 14 percent of persons driving on that stretch of road were black. Police found absolutely nothing in 70 percent of those searches.

The Traffic Stops Statistics Act study will discourage law enforcement officers from such discriminatory treatment of minorities by discouraging the use of race as the primary factor in making determinations as to whether or not to institute a car search. It will also provide statistical data as to the nature and extent of the problem of African Americans being targeted for traffic stops.

I want to commend Mr. CONYERS and his staff for their determination and tireless work

in bringing this legislation before us today. I urge my colleagues to cast a vote today for fairness and justice and to vote in support of H.R. 118, the "Traffic Stops Statistics Act."

Mr. Speaker, I ask my colleagues to vote for this legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 118, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3211) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arlington National Cemetery Burial Eligibility Act".

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.